

No. 319-4Lab-77/1783.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Delhi Spun Pipe Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 218 of 1971

between

SHRI JAI PAUL, WORKMAN AND THE MANAGEMENT OF M/S DELHI SPUN PIPE,
FARIDABAD.

AWARD

By order No. ID/FD/669-C-71/32317-21, dated 4th November, 1971, of the Governor of Haryana, the following dispute between the management of M/s Delhi spun Pipe Faridabad and its workman Shri Jai Paul, was referred to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (10) of the Industrial Disputes Act, 1947;—

Whether the termination of services of Shri Jai Paul was justified and in order ?
If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged, —*vide* claim statement filed by him in conformity with the notice of demand, dated 19th July, 1971, served by him on the management, that his services had been terminated illegally by the latter with effect from 17th July, 1971, verbally, in order to victimise for his Trade Union activities, without holding any enquiry against him and that he was entitled to be reinstated with continuity of service.

The management pleaded, —*vide* written statement filed by them that the notice of demand served on them was premature as the services of the workman were not terminated before 19th July, 1971 and the reference was bad in law.

The following issues were thus framed on pleas of the parties,—*vide* order dated 28th April, 1972:—

1. Whether the reference is pre-mature ?
2. Whether the services of the workman amount to termination?
3. If the above issues are found in favour of the workman whether the termination of services of Shri Jai Paul Singh was justified and in order? If not to what relief is he entitled?

I have heard learned authorised representatives for the parties, with reference to the evidence led by them. I decide the issues as under;—

Issue No. 1

The notice of demand admittedly served by the workman on management is dated 19th July, 1971. The services of the workman were terminated, —*vide* letter dated 15th June, 1972 sent to him under postal certificate as a result of the enquiry held against him on the charge-sheets dated 20th May, 1971 and 24th July, 1971 of his having struck work illegally and incited other workmen to strike work and to use violence against the workman who did not strike work and of his having assaulted Shri Vinod Kumar with sticks etc.

The management examined Shri S. S. Soni their Liaison officer appointed by them as an Enquiry Officer and Shri N. K. Sood one of their partner. Shri N. K. Sood deposed that the services of the workman were terminated *vide* letter dated 15th June, 1972 copy E.X M-15 and that he sent letter copy Ex. M-13 to the workman, asking for his explanation of the charge sheet served on him, under registered post. The management tendered in evidence the postal receipt dated 1st September, 1971 in support of their having sent the letter Ex. M-13. Shri S. S. Soni stated that he held an enquiry against the workman concerned according to the principles of natural justice and gave his findings Ex. M-4, dated 13th June, 1972.

I see no reasons to disbelieve the statements of Shri S. S. Soni and Shri N. K. Sood particularly when there are found corroborated by authentic documentary evidence on record and the workman has not been able to rebut their statement by cogent evidence. The solitary statement of the workman that his service were terminated verbally by the management with effect from 17th July, 1971 is not sufficient to lead me to hold in his favour on this aspect of the question of fact and while relying on the evidence of Shri S. S. Soni and Shri N. K. Sood I am fully satisfied that the services of the workman were in fact terminated,—vide letter, dated 15th June, 1972 copy Exhibit M—15 much after the date of the notice of demand. I, in the result hold that the reference made on 12th November, 1971 as a result of the notice of demand, dated 19th July, 1971 is pre-mature and bad in law and the workman is not entitled to any relief. I decide this issue accordingly. I do not consider it necessary to decide the other issues in view of my findings on issue No. 1.

I, thus answer the reference while returning the award in term of my findings on issue No. 1.

Dated, the 28th December, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 16, dated the 4th January, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 17th January, 1977

No. 12770-4Lab-76/1327.—Whereas the Governor of Haryana is satisfied that public interest requires that manufacture, marketing and distribution of petroleum products be declared as public utility service.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Governor of Haryana, hereby, declares the manufacture, marketing and distribution of Petroleum products in the State of Haryana to be public utility service for the purpose of the said Act for a period of six months from the date of publication of this notification in the Haryana Government Gazette.

The 19th January, 1976

No. 202-4Lab-77/1505.—In exercise of the powers conferred by the sub-section (I) of section 20 of the Minimum Wages Act, 1948 (Central Act II of 1948) and in supersession of Haryana Government notification No. 3281-3Lab-73/16378, dated the 17th April, 1973, the Governor of Haryana hereby appoints the Commissioners for Workmen's Compensation, appointed under section 20 of the Workmen's Compensation Act, 1923,—vide notification No. 202-4Lab-77/618, dated 12th January, 1977 as indicated below, to be the authorities to hear and decide for areas within their respective jurisdiction all claims arising out of payment of remuneration, for days under clauses (b) and (c) of sub-section (I) of Section 13 and the wages at the overtime rate under section 14 to employees paid in that area.

Serial No.	Designation and Address	Jurisdiction
1	Deputy Labour Commissioner-II, Haryana, Chandigarh.	Ballabgarh and Palwal Tahsil of Gurgaon District
2	Labour Officer-cum-Conciliation Officer, Yamunanagar	Ambala District
3	Labour Officer-cum-Conciliation Officer, Panipat	Karnal, Kurukshetra and Jind Districts
4	Labour Officer-cum-Conciliation Officer, Sonapat	Rohtak and Sonapat Districts
5	Labour Officer-cum-Conciliation Officer, Bhiwani	Hissar, Bhiwani and Sirsa Districts
6	Labour Officer-cum-Conciliation Officer, Gurgaon	Mahindergarh District and Gurgaon District excluding Palwal and Ballabgarh Tahsils

P.P. CAPRIHAN,
Commissioner and Secy.